

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

MARK JEROME JOHNSON BLOUNT,

Plaintiff,

v.

THE UNITED STATES OF AMERICA;  
MERRICK GARLAND, Attorney General of  
the United States, in his OFFICIAL and  
INDIVIDUAL capacities; THE BUREAU OF  
ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES, an agency of the United States  
of America; and BERNARD G. HANSEN,  
Special Agent in Charge of the Bureau of  
Alcohol, Tobacco, Firearms and Explosives,  
Kansas City Field Division, in his OFFICIAL  
and INDIVIDUAL capacities,

Defendants.

CIVIL ACTION NO.: 6:23-CV-3106-MDH

MOTION FOR SERVICE OF PROCESS UPON DEFENDANT GARLAND IN HIS  
INDIVIDUAL CAPACITY BY MAIL, AND FOR THE COSTS OF SERVICE AND MAKING  
THIS MOTION

COMES NOW, Plaintiff, Mark Jerome Johnson Blount, Gentleman-Esquire, and files  
with this Court this MOTION FOR SERVICE OF PROCESS UPON DEFENDANT  
GARLAND IN HIS INDIVIDUAL CAPACITY BY MAIL, AND FOR THE COSTS OF  
SERVICE AND MAKING THIS MOTION, showing the Court as follows:

1.

Plaintiff mailed his pro se complaint to the Clerk of Court of the United States District  
Court for Western District of Missouri on April 5, 2023.

2.

On April 7, 2023, the Clerk of Court of the United States District Court for the Western District of Missouri filed Plaintiff's pro se complaint with this Court.

3.

Plaintiff served all of the government defendants in their official capacities via certified mail pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. (Ex. 1 to Plaintiff's Motion).

4.

When Plaintiff sent Defendant Garland summonses and copies of his complaint for both Defendant United States and Defendant Garland, in his official capacity as Attorney General of the United States, by certified mail pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, Plaintiff also sent Defendant Garland, in his individual capacity, a waiver of service of process request pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, which complied with all of the requirements of Rule 4(d), was sent via certified mail, as above-referenced, and included a prepaid means of returning one of the copies of the waiver form.

5.

Plaintiff waited until May 15, 2023, thirty days after the date Plaintiff mailed, via certified mail, the waiver of service of process request to Defendant Garland, in his individual capacity, and then Plaintiff began looking for a process server whom Plaintiff could hire to serve Defendant Garland personally.

6.

Plaintiff hired Process Server Horton, who attempted to serve Defendant Garland at the Department of Justice in Washington, D.C., three times, but was told each time that, because of Defendant Garland's position in the government, he would not be allowed to serve process on him in his individual capacity. (Ex. 3 to Plaintiff's Motion). Thus, via his agents at the

Department of Justice, Defendant Garland refused to have the summons and petition served upon him in his individual capacity.

7.

Defendant Garland's personal address is not listed, because he is a high-ranking government official. Thus, Plaintiff cannot have a member of his household served with process at his house as Plaintiff could normally otherwise do.

8.

It appears that Defendant Garland is trying to unlawfully use his government position to subvert legitimate service of process, this Court's jurisdiction, and to prevent Plaintiff from lawfully vindicating his absolute ancestral rights as to unlawful and malicious governmental action. Defendant Garland appears to be of the opinion that, due to his governmental position, he "*is so high that he is above the law*," however, "*[n]o officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it.*" United States v. Lee, 106 U.S. 196, 220 (1882) (emphasis added).

9.

Pursuant to Rule 4(e) of the Federal Rules of Civil Procedure, "[u]nless federal law provides otherwise, an individual--other than a minor, an incompetent person, or a person whose waiver has been filed--may be served in a judicial district of the United States by: **(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located** or where service is made." Fed. R. Civ. P. 4 (emphasis added).

10.

Pursuant to the Missouri Rules of Civil Procedure, codified in R.S.Mo. 506.160(2), “[a] party desiring service by mail shall allege and state either in his verified petition or in a separate affidavit any one or more of the same specific grounds for substituted service as set forth in subsection 3, *or shall state any other facts showing why personal service cannot be had on the defendant or defendants in this state*. Such petition or affidavit shall be verified by oath of the party or of someone in his behalf, and shall state the address of the party to be served by mail. Upon the filing of such petition or affidavit with the judge or clerk, the clerk shall serve a copy of the summons and of the petition by registered mail, requesting a return receipt signed by addressee only, addressed to the defendant at the address furnished by plaintiff.” The specific grounds for substituted service listed in R.S.Mo. 506.160(3) are that “*the defendants are nonresidents of the state*, or is a corporation of another state, kingdom or country, *and cannot be personally served in this state in the manner prescribed by law for personal service*, or have absconded or absented themselves from their usual place of abode in this state, *or that they have concealed themselves so that the ordinary process of law cannot be personally served upon them*, and the affidavit or the verified petition shall state the present known address of the defendant, if known, *or in lieu thereof state that said address of the defendant is unknown*.” Mo. Ann. Stat. § 506.160 (emphasis added).

11.

Plaintiff has attached such an affidavit to this motion as Exhibit 2.

12.

Plaintiff included all of the required documents when Plaintiff sent Defendant Garland, in his individual capacity, the waiver of service of process request pursuant to Rule 4(d) of the Federal Rules of Civil Procedure.



13.

Defendant Garland, for no apparent reason, failed to waive service of process in this case.

14.

Pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure, if a defendant does not have "good cause" to refuse to waive service of process, and fails "to sign and return a waiver requested by a plaintiff located within the United States, the court *must* impose on the defendant: (A) the expenses later incurred in making service; and (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses." Fed. R. Civ. P. 4 (emphasis added).

15.

Thus, Plaintiff should be awarded the costs of attempting service of process on Defendant Garland and the reasonable expenses of making this motion.

WHEREFORE, Plaintiff prays that this Court:

1. Grant Plaintiff's motion and order the Clerk of Court to serve Defendant Garland with a summons and a copy of Plaintiff's complaint by registered mail, return receipt requested, pursuant to R.S.Mo. 560.160(2); and,
2. Order that Defendant Garland, in his individual capacity, pay Plaintiff for the cost of the process server who Plaintiff hired to serve Defendant Garland with process in his individual capacity, and pay Plaintiff his reasonable expenses in making this motion.

Respectfully submitted this 26<sup>th</sup> day of June, 2023.



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Mark Jerome Johnson Blount, Esquire  
Juris Doctor, 2020, Duke University School of Law  
Georgia Bar Member Number: 539062  
Missouri Bar Member Number: 75092  
Tennessee Bar Member Number: 040678  
*Pro Se*

Mark J.J. Blount, Esq.  
664 N Montego St.,  
Nixa, MO 65714  
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(478) 232-2167

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

MARK JEROME JOHNSON BLOUNT, (

Plaintiff, (

v. (

THE UNITED STATES OF AMERICA; ( CIVIL ACTION NO.: 6:23-CV-3106-MDH  
MERRICK GARLAND, Attorney General of ( the United States, in his OFFICIAL and ( INDIVIDUAL capacities; THE BUREAU OF ( ALCOHOL, TOBACCO, FIREARMS AND ( EXPLOSIVES, an agency of the United States ( of America; and BERNARD G. HANSEN, ( Special Agent in Charge of the Bureau of ( Alcohol, Tobacco, Firearms and Explosives, ( Kansas City Field Division, in his OFFICIAL ( and INDIVIDUAL capacities, (

Defendants. (

Affidavit of Proof of Service

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Mark Jerome Johnson Blount, Esq., who having been duly sworn, avers under oath that he is the Plaintiff in the above-styled action, and further avers:

That he filed his pro se complaint in the United States District Court for the Western District of Missouri by mailing said verified complaint, together with all of the exhibits thereto, and the filing fee to the Clerk of Court for the Western District of Missouri on April 5, 2023. On April 7, 2023, his pro se complaint was formally filed with the District Court for the Western District of Missouri. The Clerk of Court issued summonses for all of the government defendants

named in this complaint, in their official capacities, and for Defendants Garland and Hansen in their individual capacities.

On April 15, 2023, he sent, by certified mail, a signed and sealed summons for Defendant United States and a copy of his pro se complaint to the Civil Process Clerk at the U.S. Attorney's Office for the Western District of Missouri, at their office in Springfield, Missouri, pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on Defendant United States. (Ex. 1 to Affidavit) On April 15, 2023, he sent, by certified mail, a signed and sealed summons for Defendant United States and a copy of his pro se complaint to Defendant Garland, Attorney General of the United States, at the headquarters of the Department of Justice in Washington, D.C., pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on Defendant United States. (Ex. 1 to Affidavit)

On April 15, 2023, he sent, by certified mail, a signed and sealed summons for Defendant Garland, in his official capacity, and a copy of his pro se complaint to the Defendant Garland, Attorney General of the United States, at the headquarters of the Department of Justice in Washington, D.C., pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on Defendant Garland in his official capacity. In the same envelope sent to Defendant Garland, in which he included the summonses and copies of his pro se complaint necessary to effectuate service of process on Defendant United States and Defendant Garland in his official capacity, Plaintiff also included a clearly marked waiver of service request, which complied with all of the formalities of Rule 4(d) of the Federal Rules of Civil Procedure, requesting that Defendant Garland waive service of process in his individual capacity. (Ex. 1 to Affidavit) According to the United States Postal Service's tracking feature on its website, the summonses and copies of Plaintiff's pro se complaint sent to Defendant Garland,

Attorney General of the United States, were delivered to the Government Mail Annex located at 3300 V Street, Washington, D.C. 20018, on April 18, 2023, and picked up on April 19, 2023.

On April 15, 2023, he sent, by certified mail, a signed and sealed summons and a copy of his pro se complaint to Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives, hereinafter “BATF,” an agency of the United States, at its headquarters in Washington, D.C., pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on said defendant. (Ex. 1 to Affidavit) According to the United States Postal Service’s tracking feature on its website, the summons and copy of Plaintiff’s pro se complaint sent to Defendant BATF, were delivered to the Government Mail Annex located at 3300 V Street, Washington, D.C. 20018, on April 18, 2023, and picked up on April 19, 2023.

On April 15, 2023, he sent, by certified mail, a signed and sealed summons and a copy of his pro se complaint to the Defendant Hansen, Special Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms and Explosive, Kansas City Field Division, at the Kansas City Field Office of the BATF, pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on Defendant Hansen in his official capacity. In the same envelope sent to Defendant Hansen, in which Plaintiff included the summons and copy of his pro se complaint necessary to effectuate service of process on Defendant Hansen in his official capacity, he also included a clearly marked waiver of service request, which complied with all of the formalities of Rule 4(d) of the Federal Rules of Civil Procedure, requesting that Defendant Hansen waive service of process in his individual capacity. (Ex. 1 to Affidavit) According to the United States Postal Service’s tracking feature on its website, the summons and copy of Plaintiff’s pro se complaint sent to Defendant Hansen were delivered to on April 17, 2023.

Plaintiff, Mark Jerome Johnson Blount, Esq., states that such allegations are true and correct the best of his knowledge, and further avers that the certified mail receipts attached as Exhibit 1 to this affidavit are a true, correct, and accurate copy of the originals. Further affiant sayeth not.

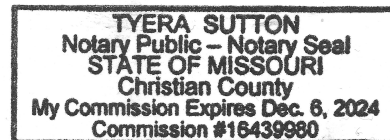


Mark Jerome Johnson Blount, Esq.

Sworn to and subscribed before me  
this 26<sup>th</sup> day of June, 2023.

  
Notary Public, State of Missouri

My Commission Expires: 06 Dec 2024





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Postage \$17.10

Total Postage and Fees \$21.25

Sent To  
 Attn: Civil Process Clerk, U.S. Attorney's Office  
 Street and Apt. No., or PO Box No.  
 Hammons Tower, Suite 500, 901 St. Louis Street,  
 City, State, ZIP+4® Springfield, Mo 65806

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☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$17.10

Total Postage and Fees \$21.25

Sent To  
 Attn: Agent Hansen, Bureau of Alcohol, Tobacco...  
 Street and Apt. No., or PO Box No.  
 1251 NW Boardwalk Pkwy, Suite 600  
 City, State, ZIP+4® Kansas City, MO 64116

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$17.10

Total Postage and Fees \$21.25

Sent To  
 Attn: Merrick Garland, U.S. Dept. of Justice  
 Street and Apt. No., or PO Box No.  
 905 Pennsylvania Ave., NW  
 City, State, ZIP+4® Washington, D.C. 20530

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☒ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$17.10

Total Postage and Fees \$21.25

Sent To  
 The Bureau of Alcohol, Tobacco, Firearms and Explosives  
 Street and Apt. No., or PO Box No.  
 99 New York Ave., NE  
 City, State, ZIP+4® Washington, D.C. 20226

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Ex. 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

MARK JEROME JOHNSON BLOUNT, (

Plaintiff, (

v. (

THE UNITED STATES OF AMERICA; ( CIVIL ACTION NO.: 6:23-CV-3106-MDH  
MERRICK GARLAND, Attorney General of ( the United States, in his OFFICIAL and ( INDIVIDUAL capacities; THE BUREAU OF ( ALCOHOL, TOBACCO, FIREARMS AND ( EXPLOSIVES, an agency of the United States ( of America; and BERNARD G. HANSEN, ( Special Agent in Charge of the Bureau of ( Alcohol, Tobacco, Firearms and Explosives, ( Kansas City Field Division, in his OFFICIAL ( and INDIVIDUAL capacities, (

Defendants. (

Affidavit in Support of Service by Mail

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Mark Jerome Johnson Blount, Esq., who having been duly sworn, avers under oath that he is the Plaintiff in the above-styled action, and further avers:

That he filed his pro se complaint in the United States District Court for the Western District of Missouri by mailing said verified complaint, together with all of the exhibits thereto, and the filing fee to the Clerk of Court for the Western District of Missouri on April 5, 2023. On April 7, 2023, Plaintiff's pro se complaint was formally filed with the District Court for the Western District of Missouri. The Clerk of Court issued summonses for all of the government defendants named in this complaint, in their official capacities, and for Defendants Garland and Hansen in their individual capacities.



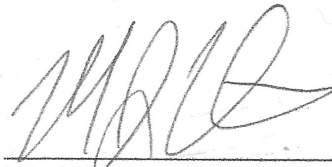
On April 15, 2023, Plaintiff sent, by certified mail, a signed and sealed summons for Defendant Garland, in his official capacity, and a copy of his pro se complaint to the Defendant Garland, Attorney General of the United States, at the headquarters of the Department of Justice in Washington, D.C., pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, as is required to effectuate service of process on Defendant Garland in his official capacity. In the same envelope sent to Defendant Garland, in which Plaintiff included the summonses and copies of his pro se complaint necessary to effectuate service of process on Defendant United States and Defendant Garland in his official capacity, Plaintiff also included a clearly marked waiver of service request, which complied with all of the formalities of Rule 4(d) of the Federal Rules of Civil Procedure, requesting that Defendant Garland waive service of process in his individual capacity.

After not receiving the waiver of process form from Defendant Garland, in his individual capacity, by May 15, 2023, thirty days after Plaintiff sent his request for waiver of service of process to said defendant by certified mail, Plaintiff proceeded to hire a process server to serve process on Defendant Garland in his individual capacity at the headquarters of the Department of Justice in Washington, D.C., because Plaintiff could not find Defendant Garland's personal home address online anywhere or in any directories. Plaintiff was informed by said process that the security personnel at the Department of Justice would not allow said process server to serve Defendant Garland with process according to the Federal Rules of Civil Procedure.

Defendant Garland is not a resident of this state and cannot be personally served in this State in the manner prescribed by law for personal service. Utilizing his governmental position, he has shielded himself from the ordinary process of law so that personal service cannot be effectuated upon him. The only known address that Plaintiff has for Defendant Garland is the

address of the Department of Justice's headquarters in Washington, D.C.: 950 Pennsylvania Ave., NW, Washington, D.C. 20530.

Plaintiff, Mark Jerome Johnson Blount, Esq., states that such allegations are true and correct to the best of his knowledge. Further affiant sayeth not.



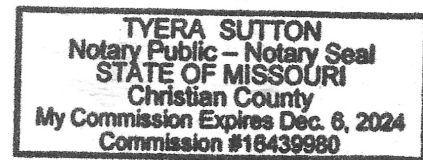
Mark Jerome Johnson Blount, Esq.

Sworn to and subscribed before me  
this 26<sup>th</sup> day of June, 2023.



Notary Public, State of Missouri

My Commission Expires: On Dec 2024



# AFFIDAVIT OF NON-SERVICE

<b>Case:</b> 6:23-CV-03106-MDH	<b>Court:</b> In The United States District Court For The Western District Of Missouri	<b>County:</b>	<b>Job:</b> #943355 Merrick Garland, Attorney General of the United States)
<b>Plaintiff / Petitioner:</b> Mark J. Bortus, Esq.		<b>Defendant / Respondent:</b> Merrick Garland, Attorney General of the United States, in his individual capacity	
<b>Received by:</b> Judiciary Process Servers		<b>For:</b> The Bortus Law Firm	
<b>To be served upon:</b> Merrick Garland, Attorney General of the United States, in his individual capacity			

I, Joe Horton, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Merrick Garland, Attorney General of the United States, in his individual capacity, U.S. Department of Justice: 950 Pennsylvania Avenue NW, Washington, DC 20530

**Manner of Service:** Unsuccessful Attempt

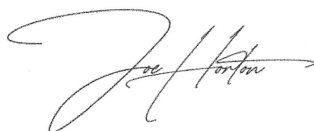
**Documents:** Summons in Civil Action, Date 4/14/23, Verification, Complaint For Declaratory Judgment, Injunctive Relief, And Attorney's Fees, Exhibit 1; Ex. 1A; Ex. 1B; Ex. 1C; Ex. 1D; Ex 1E; Ex. 1F; Ex. 1G

## Additional Comments:

1) Unsuccessful Attempt: Jun 2, 2023, 9:29 am EDT at U.S. Department of Justice: 950 Pennsylvania Avenue NW, Washington, DC 20530  
Attempted service, spoke with front desk security who advised that Merrick Garland is not available for personal service.  
GPS Coordinates: 38.9399, -77.02526

2) Unsuccessful Attempt: Jun 5, 2023, 11:47 am EDT at U.S. Department of Justice: 950 Pennsylvania Avenue NW, Washington, DC 20530  
Attempted service, spoke with front desk security who advised that Merrick Garland is not available for personal service and that all documents must be served to the Department of Justice.  
GPS Coordinates: 38.9396, -77.02525

3) Unsuccessful Attempt: Jun 6, 2023, 3:17 pm EDT at U.S. Department of Justice: 950 Pennsylvania Avenue NW, Washington, DC 20530  
Attempted service, spoke with front desk security who advised that Merrick Garland is not available for personal service and that all documents must be served to the Department of Justice.  
GPS Coordinates: 38.9399, -77.02528



June 6, 2023

Joe Horton

Date

Judiciary Process Servers  
8482 Fort Smallwood Road, B-110  
Pasadena, Maryland 21122

Ex. 3

**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2023, I electronically filed the foregoing Motion and supporting affidavits with the Clerk of Court using the CM/EMF system and that I have mailed by United States Postal Service the foregoing to the following:

Defendant Garland, in his individual capacity at:

Attn: Merrick Garland, Att. Gen. U.S.  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Defendant Hansen, in his individual capacity at:

ATTN: Agent Hansen  
1251 NW Briarcliff Pkwy, Suite 600  
Kansas City, MO 64116

/s/ Mark J. Blount  
\_\_\_\_\_  
Mark Jerome Johnson Blount, Esquire  
Juris Doctor, 2020, Duke University School of Law  
Georgia Bar Member Number: 539062  
Missouri Bar Member Number: 75092  
*Pro Se*  
664 N Montego St.,  
Nixa, MO 65714  
[markblountesquire@gmail.com](mailto:markblountesquire@gmail.com)  
(478) 232-2167

Date: 06/26/2023